

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS
March 19, 2013

3:30 P.M. SCHEDULED SESSION

3:31 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Kemp Conrad, Shea Flinn, Janis Fullilove, Wanda Halbert, Lee Harris, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland and Chairman Edmund H. Ford, Jr.

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Bhai Naranjan Singh, from the Mid-South Sikh Saba. Councilman Strickland presented Bhai Singh with a certificate naming him Chaplain of the day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

MINUTES

Approval of the Minutes of the regular meeting of March 5, 2013 with the following motion:

MOTION: Lowery
SECOND: Morrison
AYES: Collins, Conrad, Fullilove, Harris, Hedgepeth, Lowery, Morrison and Chairman Ford
Boyd, Brown, Flinn, Halbert and Strickland did not cast a vote

APPROVED

5. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF POPLAR AVENUE, 676 FEET WEST OF RACINE DRIVE, CONTAINING 0.567 ACRE IN THE CMU-2 DISTRICT.**

Case No. SUP 13-203

Held until April 2, 2013

21. **ORDINANCE AMENDING CHAPTER 21, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO ESTABLISH AN ENVIRONMENTAL FEE, UP FOR T H I R D AND F I N A L READING. (HELD FROM 9/4; 1/8; 3/5)**

Ordinance No. 5456

Held until May 7, 2013

29. **RESOLUTION CREATING A BLIGHT AND RENTAL PROPERTY REPORTING HOTLINE. (HELD FROM 12/4; 1/22; 2/19; 3/5)**

DROPPED

30. **RESOLUTION ACCEPTING \$3,000,000.00 FROM THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION CLEAN WATER STATE REVOLVING LOAN FOR THE CONSTRUCTION OF THE MARY'S CREEK INTERCEPTOR SEWER PHASE 2. (HELD FROM 3/5)**

DROPPED

31. **RESOLUTION PROVIDING FUNDING IN THE AMOUNT OF \$1,693,039.00 IN STATE REVOLVING LOANS TO LOOSAHATCHIE AND MARY'S CREEK, PROJECT NUMBER SW04008 TO CONSTRUCT A PORTION OF A NEW 36 INCH DIAMETER INTERCEPTOR SEWER. (HELD FROM 3/5)**

DROPPED

1. **RESOLUTION RECOGNIZING MRS. QUNICY MORRIS ON RECEIVING THE GOVERNOR'S VOLUNTEER STARS AWARD.**

MOTION: Brown

SECOND: Collins

APPROVED, unanimous voice vote

2. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON THE EAST SIDE OF SCOTT STREET, APPROXIMATELY 330 FEET SOUTH OF BROAD AVENUE, CONTAINING 1.060 ACRES IN THE R-6 (RESIDENTIAL SINGLE**

FAMILY) DISTRICT.

Case No. SAC 12-605

Applicant: First Baptist Church - Broad

Request: Close and Vacate Alley/Street Right-of-Way

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Boyd

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth,
Lowery, Morrison, Strickland and Chairman Ford**APPROVED****3. RESOLUTION APPROVING A HOTEL/MOTEL WAIVER FOR CROWN PLAZA –
MEMPHIS, LOCATED AT 300 N. SECOND STREET. (HELD FROM 3/5)**

Case No. HMW 13-02

MOTION: Collins

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth,
Lowery, Morrison, Strickland and Chairman Ford**APPROVED****4. RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED AT 4027
RALEIGH-MILLINGTON ROAD, CONTAINING 1.0450 ACRES IN THE CMU-2
DISTRICT.**

Case No. PD 12-317

Applicant: Donald and Jamie Stafford
Joseph Kyles – RepresentativeRequest: Amend existing Planned Development to include pre-owned
automobile sales

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Strickland

AYES: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Harris, Hedgepeth, Lowery,
Strickland and Chairman Ford
Flinn and Morrison did not cast a vote

APPROVED

6. **ORDINANCE REZONING THE WEST SIDE OF MILL BRANCH ROAD; +/-356 FEET NORTH OF E. SHELBY DRIVE, CONTAINING 0.10 ACRE (3,920 SQ. FT.) IN THE COMMERCIAL MIXED USE (CMU-1) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5501
Case No. Z 13-101

Applicants: Roy and Latasha Spears

Request: Commercial Mixed Use (CMU-3) District

LUCB and OPD recommendation: APPROVAL

MOTION: Collins

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Ford
Strickland did not cast a vote

APPROVED

33. **RESOLUTION AUTHORIZING THE DIVISION OF ENGINEERING TO DESIGNATE THE FOUR ON-STREET PARKING SPACES DESCRIBED IN THE ATTACHED DOCUMENT FOR THE EXCLUSIVE USE OF CAR SHARING VEHICLES AT NO CHARGE DURING THE THREE-YEAR PERIOD OF THE PILOT PROGRAM.**

MOTION: Hedgepeth

SECOND: Fullilove

AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

NAY: Harris

Collins did not cast a vote

APPROVED

CONSENT AGENDA – Items 7 - 12 & #32 may be acted upon by one motion: SEE PAGE 2536 FOR ROLL CALL

7. **ORDINANCE TO AMEND TITLE 6 – BUSINESS LICENSES AND REGULATIONS, CHAPTER 6-96, SECTION 1, OF THE CODES OF ORDINANCES, TO CREATE LOCAL PREFERENCE AND WORKFORCE TRAINING PREFERENCE FOR AWARD OF CITY CONTRACTS, UP FOR S E C O N D READING.**

Ordinance No. 5503

APPROVED, on Second reading

8. **ORDINANCE AMENDING THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE. THIS TEXT AMENDMENT AFFECTS ALL PROPERTY WITHIN THE CITY OF MEMPHIS AND UNINCORPORATED SHELBY COUNTY, UP FOR F I R S T READING.**

Case No. ZTA 13-001
Ordinance No. 5504

APPROVED, on First reading

9. **RESOLUTION ACCEPTING STONEBRIAR P.D., AREA 10, PHASE 6, STREET IMPROVEMENTS AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-335cc
(Contract No. CR-5115)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Stateline Road, east of Riverdale. The standard improvement contract was approved on September 9, 2008. Resolution also authorizes the release of the cashiers' checks in the amount of \$137,800.00.

City Engineer recommends approval

APPROVED

10. **RESOLUTION ACCEPTING STONEBRIAR P.D., AREA 10, PHASE 7, STREET IMPROVEMENTS AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 03-335cc
(Contract No. CR-5116)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Stateline Road, east of Riverdale. The standard improvement contract was approved on September 9, 2008. Resolution also authorizes the release of the cashiers' checks in the amount of \$110,000.05.

City Engineer recommends approval

APPROVED

11. **RESOLUTION ACCEPTING TALUSWOOD P.D. AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 04-329cc
(Contract No. CR-4961)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Pisgah Road, 1642.98 feet north

of Macon Road. The standard improvement contract was approved on July 5, 2005. Resolution also authorizes the release of the letter of credit in the amount of \$77,500.00.

City Engineer recommends approval

APPROVED

12. RESOLUTION ACCEPTING TOURNAMENT CENTER P.D., PHASE 1 (DEDICATION OF TOURNAMENT DRIVE) AND AUTHORIZING RELEASE OF BOND.

Case No. PD 09-305
(Contract No. CR-5184)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on Tournament Drive, west of Hacks Cross. The standard improvement contract was approved on May 15, 2012. Resolution also authorizes the release of the cashiers' check in the amount of \$186,800.00.

City Engineer recommends approval

APPROVED

32. RESOLUTION HONORING THE LIFE OF FORMER COUNCILWOMAN MINERVA JOHNICAN.

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Morrison
SECOND: Collins
AYES: Boyd, Brown, Collins, Conrad, Fullilove, Halbert, Harris, Lowery, Morrison and
Chairman Ford
Flinn, Hedgepeth and Strickland did not cast a vote

APPROVED

(Councilman Harris made a motion, without objection, to vote on item #13 from MLGW Fiscal Consent, separately. After a brief discussion, Councilman Harris withdrew his motion and Councilwoman Fullilove made a motion, without objection, to send item #13 Back to Committee).

MLGW FISCAL CONSENT – Items 14 - 20 may be acted upon by one motion:

13. RESOLUTION AWARDED CONTRACT NO. 11564, GROUNDS MAINTENANCE TO VANDERBILT LANDSCAPING, IN THE FUNDED AMOUNT OF \$496,606.50.

Sent Back to Committee for April 2, 2013

14. **RESOLUTION APPROVING CHANGE NO. 7 TO CONTRACT 10793, PROFESSIONAL PORTFOLIO SOFTWARE, WITH ADVENT SOFTWARE, INCORPORATED, IN THE FUNDED AMOUNT OF \$29,286.11. (THIS CHANGE IS TO RENEW THE CONTRACT TERM COVERING THE PERIOD MAY 11, 2013 THROUGH MAY 10, 2014 FOR THE CURRENT SOFTWARE LICENSE AND MAINTENANCE SUPPORT.)**

APPROVED

15. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11476, INDUSTRIAL PSYCHOLOGY SERVICES, WITH LOPEZ AND ASSOCIATES, IN THE FUNDED AMOUNT OF \$60,000.00. (THIS CHANGE IS TO EXTEND THE CURRENT CONTRACT TERM FOR AN ADDITIONAL THREE YEAR TERM COVERING THE PERIOD APRIL 1, 2013 THROUGH MARCH 31, 2016 WITH NO INCREASE FROM THE PREVIOUS TERM. THE NEW CONTRACT VALUE IS \$120,000.00.)**

APPROVED

16. **RESOLUTION APPROVING CHANGE NO. 8 TO CONTRACT NO. 10985, MASTER LEASE AGREEMENT, WITH SKILL SOFT CORPORATION, IN THE FUNDED AMOUNT OF \$12,113.20. (THIS CHANGE EXTENDS THE CURRENT CONTRACT FOR AN ADDITIONAL ONE (1) YEAR TERM COVERING THE PERIOD JANUARY 31, 2013 THROUGH JANUARY 30, 2014. THE NEW CONTRACT AMOUNT WILL BE \$212,290.20.)**

APPROVED

17. **RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11090, SERENA MASTER LICENSE AGREEMENT, WITH SERENA SOFTWARE, INCORPORATED, TO AMEND THE CURRENT CONTRACT IN THE FUNDED AMOUNT OF \$35,265.00. (THIS AMENDMENT IS TO PURCHASE TEN ADDITIONAL BUSINESS MANAGER LICENSES AND ONE YEAR OF MAINTENANCE SUPPORT FOR THOSE LICENSES. THE CONTRACT TERM WILL REMAIN THROUGH JULY 28, 2014. THE NEW CONTRACT AMOUNT WILL BE \$334,329.75.)**

APPROVED

18. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10070, REMOTE PRINTER CONTROL PRODUCT, WITH MACRO 4, IN THE FUNDED AMOUNT OF \$15,341.00. (THIS CHANGE IS TO RENEW THE ANNUAL SOFTWARE MAINTENANCE AND SUPPORT SERVICES FOR THE PERIOD COVERING MARCH 31, 2013 TO MARCH 30, 2014. THE NEW CONTRACT AMOUNT IS \$270,398.18.)**

APPROVED

19. **RESOLUTION APPROVING THE SELECTION OF KENNEDY CAPITAL MANAGEMENT TO MANAGE APPROXIMATELY \$8,000,000.00 FOR THE BENEFIT OF THE MLGW OPEB TRUST FUND, AS PART OF A REALLOCATION.**

APPROVED

20. **RESOLUTION APPROVING PAYMENT OF 2013 ANNUAL MEMBERSHIP DUES, TO AMERICAN GAS ASSOCIATION, IN THE AMOUNT OF \$57,875.00.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Fullilove
SECOND: Morrison
AYES: Boyd, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford
Brown did not cast a vote

APPROVED

22. **ORDINANCE TO AMEND CHAPTER 21, RELATIVE TO PARADES AND PUBLIC ASSEMBLIES, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5502

MOTION: Collins
SECOND: Fullilove
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

APPROVED, as amended

(Councilwoman Halbert recognized The University of Memphis Journalism Class and Boy Scout Troop 276, who were visiting in the audience)

23. **RESOLUTION ACCEPTING AND APPROPRIATING \$1,607,178.00 IN GRANT FUNDING FROM THE INLAND RIVERS PORTS AND TERMINALS, LLC.**

MOTION: Conrad
SECOND: Boyd
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

APPROVED

24. **RESOLUTION ACCEPTING AND APPROPRIATING \$980,002.20 IN FEDERAL REIMBURSEMENT FROM FEMA FOR THE DEPLOYMENT OF TENNESSEE TASK FORCE 1, TN-TF1 TO HURRICANE SANDY.**

MOTION: Conrad
SECOND: Morrison
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford

APPROVED

25. **RESOLUTION APPROPRIATING AN ALLOCATION OF \$5,000,000.00 TOWARDS THE PYRAMID REDEVELOPMENT BUDGET TO OFFSET AND COMPLETE THE PROJECT'S CONTRACT OBLIGATIONS DURING THE CONSTRUCTION PERIOD AS SET FORTH BY THE TERMS AND AGREEMENTS IN CONTRACT NUMBER 27043.**

MOTION: Brown
SECOND: Hedgepeth
AYES: Boyd, Brown, Collins, Flinn, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford
Harris abstained
Conrad did not cast a vote

APPROVED

26. **RESOLUTION APPROVING AN AGREEMENT TO RECOUP THE COST OF PROVIDING IMPROVEMENTS, FACILITIES AND SERVICE FRAYSER MILLINGTON NORTH SHELBY MENTAL HEALTH CENTER, INC., A TENNESSEE NONPROFIT CORPORATION, AS REQUIRED BY APPLICABLE TAX EXEMPTION STATUTE, TENNESSEE CODE ANNOTATED §67-5-207, ET SEQ., AT AN AMOUNT OF FIVE DOLLARS (\$5) PER UNIT PER MONTH.**

MOTION: Brown
SECOND: Morrison
AYES: Boyd, Brown, Collins, Conrad, Flinn, Halbert, Harris, Hedgepeth, Lowery, Morrison, Strickland and Chairman Ford
Fullilove did not cast a vote

APPROVED

27. **RESOLUTION ACCEPTING AND APPROPRIATING \$265,944.00 IN GRANT FUNDS FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION (TDOT) FOR HIGHWAY 61 BLUES TRAIL PROJECT.**

MOTION: Boyd
SECOND: Morrison
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Hedgepeth, Lowery, Morrison and Chairman Ford
Strickland did not cast a vote

APPROVED

28. **RESOLUTION AMENDING THE AGREEMENT BETWEEN THE CITY OF MEMPHIS THROUGH ITS DIVISION OF PARKS AND NEIGHBORHOODS AND MEMPHIS BOYS ATHLETIC ASSOCIATION FOR THE MANAGEMENT AND OPERATION OF THE HALLE PARK GAGLIANO AND SOWELL BASEBALL FIELDS.**

MOTION: Boyd
SECOND: Strickland
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Lowery, Morrison, Strickland and Chairman Ford
Hedgepeth did not cast a vote

APPROVED

(Councilwoman Fullilove made a motion to approve Same Night Minutes for Item #33, from tonight's meeting – Special Item #1)

MOTION: Fullilove
SECOND: Morrison
AYES: Boyd, Brown, Collins, Conrad, Flinn, Fullilove, Halbert, Harris, Lowery, Morrison and Chairman Ford
Hedgepeth and Strickland did not cast a vote

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Ford recognized the following person who spoke from the audience:
Walter Broady, 4256 Ledbetter Cove, Memphis, Tennessee, 38109

ADJOURNED MEETING AT 4:37 p.m.

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Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records